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VIRGINIA-CAROLINA CHEMICAL CO. v. CARPENTER & Co.—Decided at Richmond, March 14, 1901.—*Harrison, J.* Absent, *Whittle, J.*, and *Keith, P.*

1. **FRAUD**—*Proof required—Case at bar—Arbitrary refusal to accept goods.* The law does not presume fraud, but when charged it must be clearly and distinctly proved. In the case at bar, the defendant is charged with bad faith in refusing to accept certain rock which it had agreed to accept if, upon test, it proved satisfactory. Circumstances were relied upon to show that the rock was really satisfactory, and that the refusal to accept was purely arbitrary, but they fail to establish bad faith with the clearness and distinctness required by law.

GLENN v. BROWN AND OTHERS.—Decided at Richmond, March 14, 1901.—*Keith, P.* Absent, *Whittle, J.*:

1. **CHANCERY PRACTICE**—*Delinquent lands—Suit to remove cloud on title to several parcels—Parties.* Several purchasers of different parcels of the same tract of land which has been returned delinquent in the name of the former owner of the whole tract and sold for taxes, may unite in one bill to remove the cloud upon this title created by a tax deed made in pursuance of such sale.

2. **CHANCERY PRACTICE**—*Amended bill—Supplemental bill, when may be filed.* So far as a second bill in a cause states facts which existed when the original suit was brought, it is an amended bill, and, so far as it states facts which came into existence subsequently, it is a supplemental bill, but whether one or the other great liberality is allowed in amendments when the ends of justice are promoted by it.

3. **CHANCERY PRACTICE**—*Amendment of pleadings—Rule governing.* No invariable rule can be laid down with reference to amendments of equity pleadings. Their allowance rests largely in the discretion of the court, to be determined by the special circumstances of the case. On application to amend, justice should not be sacrificed to form or too rigid an adherence to rules of practice. Great caution should be exercised, however, when the application has been long delayed, or when the granting of it would cause serious inconvenience or expense to the opposite side; and an amendment should rarely, if ever, be permitted where it would materially change the very substance of the case made by the bill, and to which the parties have directed their proofs.

4. **DELINQUENT LANDS**—*Who may redeem—Payment by third person—Two sales.* The owner and none other has the right to redeem land purchased by the Commonwealth for delinquent taxes. If a purchaser under a second sale to the Commonwealth pays the amount necessary to redeem under the first sale, the payment redounds to the benefit of the owner and not to such purchaser.

5. **DELINQUENT LANDS**—*Two sales—Cloud on title—Suit to remove.* Where land has been sold for delinquent taxes and purchased by the Commonwealth, it cannot be again sold for taxes until it has been redeemed. A second sale for taxes, however, and a deed made in pursuance thereof to a purchaser from the Commonwealth, casts a cloud upon the title, which the former owner may file his bill to have removed after redemption under the first sale, but not before.